***THE HON'BLE SRI JUSTICE R.SUBHASH REDDY***

**WRIT PETITION No.26950 of 2007**

**DATED:18.12.2007**

BETWEEN:

Narsimlu @ Narsimha Reddy and another.

..Petitioners.

And

Joint Collector, Mahabubnagar and others.

..Respondents.

***THE HON'BLE SRI JUSTICE R.SUBHASH REDDY***

**WRIT PETITION No.26950 of 2007**

**ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

This Writ Petition is filed challenging the validity of the order, dated 19.02.2007, vide proceedings G/3421/2006, passed by the 2nd respondent-Revenue Divisional Officer, Mahabubnagar, for eviction of the petitioners from the land admeasuring Acs.12.20 guntas in survey No.171 situated at Macharam Village of Jadcharla Mandal in Mahabubnagar District, in exercise of powers conferred under Section 3(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act").

It is submitted by the learned counsel for the petitioners that they have purchased the subject-land from its original owner, by a registered sale deed, in the year 1965, and since then, they have been in possession and enjoyment of the said land. It is stated that as the vendor of the petitioners has shown the said land as surplus under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, on the representations made by the petitioners, the assignments were made in their favour. Though the provisions of the Act would not apply, the impugned order of eviction is passed. It is further submitted that the impugned order is passed, without notice to the petitioners, and on coming to know about the same, they preferred an appeal on 20.10.2007 before the 1st respondent. It is their grievance that though such an appeal is pending for consideration before the Appellate Authority, the respondents are taking steps to evict the petitioners.

Inasmuch as the appeal said to have been filed by the petitioners is pending consideration before the 1st respondent, this Court need not record any finding on the claim of the petitioners, at this stage. Since it is stated that they have purchased the land in question, from its original owner, by registered sale deed, even before the same

was declared as surplus, and that the appeal filed by the petitioners is pending consideration before the Appellate Authority, I deem it appropriate to dispose of the writ petition, directing the 1st respondent to dispose of the appeal, preferred by the petitioners on 20.10.2007, as expeditiously as possible. It is further directed that the order, dated 19.02.2007, shall not be enforced till disposal of the appeal, if it is not enforced as on today.

Subject to the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

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***R.SUBHASH REDDY, J***

Dt.18.12.2007
GJ